

# **BOARD OF DESIGN REVIEW MINUTES**

**February 28, 2002**

**CALL TO ORDER:** Chairman Stewart Straus called the meeting to order at 6:30 p.m. in the Beaverton City Hall Council Chambers at 4755 SW Griffith Drive

**ROLL CALL:** Present were Chairman Gordon Straus; Board Members Cecilia Antonio, Hal Beighley, Mimi Doukas, Ronald Nardoza and Jennifer Shipley. Board Member Monty Edberg was excused.

Senior Planner John Osterberg, Associate Planner Tyler Ryerson, Project Engineer Joel Howie, Economic Development Manager Janet Young, Engineering Director Tom Ramisch, Project Engineer Jim Brink, Assistant City Attorney Ted Naemura and Recording Secretary Sandra Pearson represented staff.

## **VISITORS:**

Chairman Straus read the format for the meeting and asked if any member of the audience wished to address the Board on any non-agenda item. There was no response.

## **STAFF COMMUNICATION:**

On question, staff indicated that there were no communications at this time.

## **OLD BUSINESS:**

## **CONTINUANCES:**

Chairman Straus opened the Public Hearing and read the format of the hearing. There were no disqualifications of Board Members. No one in the audience challenged the right of any Board Member to hear any agenda items or participate in the hearing or requested that the hearing be postponed to a later date. He asked if there were any ex parte contact, conflict of interest or disqualifications in any of the hearings on the agenda.

**A. BDR 2001-0145 – SW 170<sup>TH</sup> AVENUE & SW BASELINE ROAD**  
**APARTMENTS TYPE 3 DESIGN REVIEW**

(Continued from February 14, 2002)

This request is for Design Review approval for the construction of a 120-unit apartment complex, including the construction of 20 buildings, an access road, lighting and associated landscaping. The Development proposal is located at 16880 SW Baseline Road, and is more specifically identified on Washington County Assessor's Map 1S1-16DA, Tax Lot 500. The affected parcel is zoned Station Community – Mixed Use (SC-MU), and is a total of approximately 3.4 acres in size. A decision for action on the proposed development shall be based upon the approval criteria listed in Section 40.10.15.3.C.

Associate Planner Tyler Ryerson discussed the continuance of this item from the meeting of February 14, 2002, in order to address certain issues, and referred to a Staff Memorandum, dated February 22, 2002, and additional materials provided by the applicant, which addressed the following issues:

1. Baseline Road Sidewalks;
2. Playground;
3. Lighting;
4. Trash
5. Handicapped Parking; and
6. Noise

Observing that staff had originally recommended denial of this application due to lighting issues, he recommended approval of the application, under certain Conditions of Approval. Concluding, he offered to respond to questions and comments.

**APPLICANT:**

**DON HANSON**, representing *Otak, Inc.*, distributed a document providing specifications requested by the Board at the previous hearing and briefly summarized revisions made by the applicant to address the following issues: 1) sidewalks; 2) playground; 3) lighting; 4) trash; 5) handicapped parking; and 6) noise. Observing that this had not been addressed in the Memorandum, he mentioned that he would like to discuss comments with regard to color. Noting that he had become aware that the proposed yellow on the building might appear slightly startling, he submitted an additional color sheet providing a toned-down version of that yellow. He explained that the applicant intends to prepare an actual test panel on the building, adding that the yellow would be toned down if it is determined that the yellow is startling during the testing phase. He pointed out that some minor revisions have been made to the landscape plan, including additional shade trees on the west side of the playground area. Concluding, he offered to respond to questions and comments.

**PUBLIC TESTIMONY:**

On question, no member of the public appeared to testify with regard to this application.

Referring to the proposed Conditions of Approval, Mr. Ryerson pointed out that it might be necessary to eliminate or revise several of these conditions in order to comply with the new changes proposed by the applicant.

Ms. Doukas expressed her agreement with the applicant's determination that based upon the revised location, the fencing is no longer necessary around the playground area.

At the request of Chairman Straus, Mr. Hanson submitted the revised color board to the recorder, as an exhibit.

The public portion of the Public Hearing was closed.

Mr. Beighley **MOVED** and Ms. Doukas **SECONDED** a motion for the approval of BDR 2001-0145 – SW 170<sup>th</sup> Avenue & SW Baseline Road Apartments Type 3 Design Review, based upon the testimony, reports and exhibits presented during the public hearings on the matter and upon the background facts, findings and conclusions found in the Staff Report dated February 7, 2002, including Conditions of Approval Nos. 1 through 27, with the following modifications:

24. The applicant shall increase the size of all proposed 2-inch caliper trees to 3-inches in caliper, **if available at the time of planting.**
- ~~25. Fencing at the play area shall be located only along the northerly edge of the play area and in front of the proposed bench located to the west of the play area.~~
- 26~~5~~. Fencing at ~~play area and~~ water quality facility shall be no higher than four feet and be black, vinyl-coated in color and material.
- 27~~6~~. The applicant shall construct the walls within the water quality facility as poured in place reinforced concrete retaining walls with texturing complimenting the buildings' architecture.
27. The color modification as presented by the applicant this evening is to be included as part of "Exhibit C", and the additional staff findings, as presented in the Staff Report dated February 22, 2002, with attachments should be included.

The question was called and the motion **CARRIED**, unanimously, with the exception of Mr. Nardoza, who abstained from voting on this issue.

**B. BDR 2001-0196 – HENRY STREET EXTENSION PROJECT TYPE**  
**3 DESIGN REVIEW**

(Continued from February 14, 2002)

The applicant requests Design Review approval for the extension of the SW Henry Street right-of-way between SW Cedar Hills Boulevard and SW Rose Biggi Avenue. The Board of Design Review, during a public hearing, will review the overall design of this request including landscaping, street layout, and lighting design. In taking action on the proposed development, the Board shall base its decision on the approval criteria listed in Section 40.10.15.3.C. The development proposal is located at 4220 and 4250 SW Cedar Hills Boulevard between SW Cedar Hills Boulevard and Rose Biggi Avenue; Washington County Assessor's Map 1S1-16AA on Tax Lots 1401, 1700 and 7100. The affected area is zoned Regional Center – Transit Oriented (RC-TO) and is approximately 0.70 acres in size.

Observing that prior to her employment with *Kurahashi and Associates*, they had provide a storm water analysis for this project, Ms. Shipley indicated that this would not affect her ability to make an unbiased decision on this issue.

Senior Planner John Osterberg presented the Staff Report and described this as a request for a new street, rather than a private development, observing that this street is currently referred to as the Henry Street Extension, because it would connect from SW Cedar Hills Boulevard to SW Henry Street. He pointed out that because this involves the Millikan Extension, it is anticipated that this street might eventually be renamed SW Millikan Street. Noting that the Board had previously approved the Millikan Street Extension that connects SW Hocken Street to SW Cedar Hills Boulevard last year, he emphasized that this application addresses, in effect, an extension of that street. He mentioned that while Washington County was the applicant for the Millikan Street Project, the City of Beaverton is the applicant for the Henry Street Project. He clarified that this project would extend the street to SW Rose Biggi Avenue, at which point it would connect to SW Henry Street, adding that at some future point during the next phases of development, the street would be extended to the east. He emphasized that no buildings or above-ground structures are proposed with this application, except that permanent street improvements, such as street lights, street trees, sidewalks and bicycle lanes, are included. Concluding, he recommended approval of the application, including 14 Conditions of Approval, and offered to respond to questions.

Ms. Antonio requested clarification of whether the design of the existing street and proposed street would match where they connect at SW Rose Biggi Avenue.

Advising Ms. Antonio that the streets would align, Mr. Osterberg emphasized that these streets would not be identical in design. He further explained that while the existing SW Henry Street includes on-street parking, the proposed SW Henry

Street Extension includes no on-street parking. He clarified that most other specific design elements would match, such as matching street trees, street lights and tree grates, adding that these would all be a part of a consistent theme to be present on SW Rose Biggi Avenue and both sections of SW Henry Street. He emphasized that there would be some consistency with regard to streets within the area surrounding The Round, north of SW Canyon Road and east of SW Cedar Hills Boulevard.

### **APPLICANT:**

**JIM BRINK**, Project Engineer for the City of Beaverton, introduced himself, Tom Ramisch, the Director of Engineering, and Janet Young, the Economic Development Director. Observing that this Capital Improvement Project to extend SW Henry Street from SW Cedar Hills Boulevard to SW Rose Biggi Avenue, he noted that this specific application is part of the downtown connectivity plan shown in Exhibit 14 of the application, emphasizing that this exhibit best indicates how this particular 500-foot section fits into the City of Beaverton's overall plan. Noting that the project improves east/west mobility north of SW Canyon Road, he pointed out that improved access to mass transit stations is also provided. He briefly described the major features of the project, including:

- ?? paved street with 5-inches of asphalt concrete on top of 16-inches of rock;
- ?? two 12-foot travel lanes; two 5-foot bicycle lanes;
- ?? two 13-foot wide concrete sidewalks; street trees;
- ?? ornamental lights;
- ?? new storm water and sanitary lines, including laterals;
- ?? a traffic signal connection at the west end, at SW Cedar Hills Boulevard, to be integrated into the current SW Millikan Road Project; and
- ?? the purchase of right-of-way from two property owners, primarily *Beaverton Foods* and *MyTak*, which is located to the south of the former *Beaverton Foods* building.

Mr. Brink pointed out that only a very small portion of the required space is within existing public right-of-way. He mentioned that the final product would appear very similar to SW Rose Biggi Avenue and the existing SW Henry Street. Noting that the current landscape in the area is actually hardscape (either asphalt concrete or a building footprint), he explained that the project would result in 2600 square feet of planting landscape and 24 Pat more Ash Trees. He pointed out that the applicant is requesting design modifications, as follows:

- ?? a 60-foot, rather than the standard 62-foot right-of-way;
- ?? an increase in the width of the sidewalk from six to thirteen feet;
- ?? that the standard 7 ½ foot planter strip be replaced with the tree wells in the street trees, adding that these are proposed to be spaced approximately every 30-feet; and
- ?? a curb tight sidewalk.

Concluding, Mr. Brink offered to respond to questions and comments.

Ms. Doukas advised Mr. Brink that she understands the proposed modifications, with the exception of the narrowed right-of-way, and questioned the rationale for the proposed two-foot reduction in the standard 62-foot right-of-way.

Mr. Brink explained that the primary reason for the reduced right-of-way is that the required improvements would fit well within the proposed 60-foot right-of-way, adding that this would eliminate a two-foot portion of the acquisition costs.

Observing that staff had indicated that no buildings are proposed in conjunction with this project, Chairman Straus pointed out that although no new buildings would be constructed, he would like the applicant to identify more specifically the buildings proposed for removal.

Referring to Sheet BDR-1, Mr. Brink described one large building (*Beaverton Foods*) located inside the hatched area, adding that all structures associated with *Beaverton Foods* are proposed to be demolished, with the exception of the historic *Rose Biggi House*. He clarified that while only approximately 60-feet of the building area is involved in the proposed dedication, the remainder of the building would not be usable and would be removed as well. On question, he advised Chairman Straus that *Beaverton Foods* has relocated and constructed a new plant in Hillsboro. He clarified that while there are no anticipated building impacts on the south side of the right-of-way, there would be property impacts to the *MyTak* building, which is located at the west end of the project.

Chairman Straus requested clarification of what developable property would remain on the north side of Henry Street, specifically the nature of the property size and type of use that would be allowed.

Mr. Brink explained that all property on the north side is owned by one family, adding that several remaining businesses, including an existing restaurant, are located north of this property towards the light rail tracks. Observing that this involves a very large parcel, he pointed out that he does not know the specific size. Noting that three individual tax lots are included in the *Beaverton Foods*/restaurant complex, he mentioned that the same individual owns all three lots. Pointing out that the property is zoned Regional Center-Transit Oriented (RC-TO), he agreed that high-density multiple-use development is preferred in this area.

#### **PUBLIC TESTIMONY:**

On question, no member of the public appeared to testify with regard to this application.

The public portion of the Public Hearing was closed.

Ms. Doukas **MOVED** and Mr. Beighley **SECONDED** a motion for the approval of BDR 2001-0196 – Henry Street Extension Project Type 3 Design Review, based upon the testimony, reports and exhibits presented during the public hearings on the matter and upon the background facts, findings and conclusions found in the Staff Report dated February 21, 2002, including Conditions of Approval Nos. 1 through 14.

The question was called and the motion **CARRIED**, unanimously.

7:10 p.m. – Mr. Young, Mr. Brink and Mr. Naemura left.

### **NEW BUSINESS:**

#### **PUBLIC HEARINGS:**

**A. BDR 2001-0204 – INTERSECTION IMPROVEMENTS FOR SW 125<sup>TH</sup> AVENUE AT BROCKMAN STREET/GREENWAY DRIVE TYPE 3 DESIGN REVIEW**

This land use application has been submitted for safety improvements for the intersection at SW 125<sup>th</sup> Avenue, SW Brockman Road and SW Greenway and additional improvements on Chelan Place and Oxbow Terrace. The intent of this project is to address safety and traffic improvements while minimizing property impacts and improving neighborhood access. The proposed improvements include:

- ?? Left turn lane on Brockman Road, Greenway and 125<sup>th</sup> Avenue;
- ?? A modified traffic signal;
- ?? Re-grading of Brockman Road just west of the intersection to lower (reduce slope) and improve visibility;
- ?? On-street bicycle lanes;
- ?? Sidewalks (except on the north side of SW Greenway from Oxbow Terrace to the east end of project improvements;
- ?? Landscape planter strips between the sidewalk and the pavement;
- ?? Retaining walls in various locations to minimize impacts to adjacent properties;
- ?? One travel lane in each direction;
- ?? SW Greenway will be super-elevated (banked) and the centerline realigned to improve safety and visibility; and
- ?? Eastbound travel lane on SW Greenway will be wider than the City's minimum standard to allow through-traffic to keep moving through the intersection to accommodate left turns onto Oxbow Terrace.

The development site is located on SW Brockman Road from SW Sorrento Avenue east to the intersection with SW 125<sup>th</sup> Avenue; SW Greenway from the SW 125<sup>th</sup> Avenue intersection east to SW Downing

Drive; SW 125<sup>th</sup> Avenue from the intersection with SW Greenway/Brockman Road south for a distance of approximately 300 feet; SW Chelan Place approximately 78 feet from SW Greenway; SW Oxbow Terrace approximately 156 feet from SW Greenway. The site can be specifically identified on Washington County Assessor's Maps 1S1-27CB, 1S1-28AD, 1S1-28BC and 1S1-28DA, and is zoned for Residential Land Uses: Single Family R-7 and Multi-Family R-3.5. A decision for action on the proposed development shall be based upon the approval criteria listed in Beaverton Development code Section 40.10.15.3.C.

7:13 p.m. Ms. Doukas recused herself from participating on this issue and left.

Observing that the City of Beaverton is actually the applicant for this project, Mr. Ryerson presented the Staff Report, adding that he would like to outline the summary of the proposal and defer any technical questions to City staff. He pointed out that the applicant would be providing an additional exhibit, which includes a revised grading plan of the staging area north of the SW 125<sup>th</sup> Avenue intersection, locations and details with regard to the cedar fencing, and asking that that their request to close SW Brockman Road during the construction be removed from consideration at this time. Concluding, he briefly described the proposed improvements, recommended approval, subject to Conditions of Approval Nos. 1 through 15 identified within the Staff Report, and offered to respond to questions and comments.

#### **APPLICANT:**

**TOM RAMISCH**, Engineering Director for the City of Beaverton, stated that he would like to specifically address the option referenced within the application for a possible closure of the intersection during the construction. Observing that a discussion of the construction phasing is premature, he noted that the applicant would prefer not to discuss these issues at this time. He discussed the efforts of staff and *Verizon* to develop modifications, emphasizing that any significant traffic pattern impacts would be addressed through the Traffic Commission process. He noted that he has discussed this specific element of the project at great length with Mayor Drake, who is very aware of and interested in the specific arrangements and the ultimate impacts on the community.

**JOEL HOWIE**, Project Engineer for the City of Beaverton, introduced himself and Brian DeHaas, Project Manager for *WRG Design*, emphasizing that the main objective of the project is the improvement of the sight distance at the intersection and preparation for the future SW 125<sup>th</sup> Avenue Extension. Observing that the City of Beaverton had formed a Project Advisory Committee (PAC) consisting of adjacent residents and business owners and members of the NAC, he pointed out that two Open Houses and five PAC Meetings had been held. He discussed the five alternatives recommended by the PAC, including three main alternatives, one of which provides for a 45-mile-per-hour design speed, noting that this would



impact the northerly area, adding that based upon a speed study, it had been determined that 85% of the vehicles would travel 37 miles per hour or slower. He pointed out that the PAC had been very concerned with the potential stacking of vehicles, adding that the applicant had proposed an extra-wide width where a vehicle could sit and wait, allowing other vehicles to get around without traveling in the bicycle lane. He discussed lowering SW Brockman Street and raising the grade on SW Greenway, adding that although the applicant would like to utilize the material removed from SW Brockman Street as fill on SW Greenway, the moisture content is approximately 10% greater than allowed and would need to be temporarily located in the staging area in order to dry the material out.

Mr. Howie pointed out that the applicant is proposing cast-in-place concrete retaining walls, with an architectural treatment similar to that used on Highway 217 and Interstate 5. Observing that this would not resemble the circular rock look, he described the proposed segmental block look, emphasizing that an anti-graffiti stain would be included. Pointing out that no screening of the walls has been proposed, he mentioned that the right-of-way would be located on top of the wall in an area where there is inadequate room for the necessary maintenance of any plantings. He noted that the project does not meet the sound wall criteria specified by the Oregon Department of Transportation (ODOT) guidelines and Federal Highway Administration (FHWA) guidelines, adding that the committee had not recommended sound walls, which are not warranted in the first place. On question, he mentioned that while the SW 125<sup>th</sup> Extension is a high priority, there is no internal funding at this time for this \$10 Million Project. He clarified that the keystone walls had not been at the request of the neighbors, adding that this had been proposed in-house with the Engineering staff.

**BRIAN DeHAAS**, Project Manager representing *WRG Design*, clarified that all of the walls, with the exception of the Brinkley's wall, front the street, emphasizing that none face toward the properties, and explained that those walls would most likely have a different architectural feature.

Mr. Howie advised Mr. DeHaas that all cast-in-place retaining walls would have the same proposed architectural treatment, adding that the Brinkley property would involve an actual segmental block retaining wall. At the request of Chairman Straus, he identified the location on the illustration, on the north side of Greenway at SW Oxbow Loop.

Chairman Straus questioned what is unique about this particular property.

Mr. Howie explained that the Brinkley property is interesting, observing that the grade would be raised in one portion, although the property would be lower in elevation as compared with the roadway. Observing that the Brinkleys also have a driveway access out to SW Oxbow Loop, he pointed out that raising the street would effectively eliminate their access. Observing that a preliminary proposal

has been determined with the assistance of the property owner, he described the two-tiered wall design.

Chairman Straus requested clarification of how the Brinkleys would access their property if the access is being eliminated.

Mr. Howie clarified that the main access is off of SW Rebecca Lane, emphasizing that only the secondary access would be eliminated.

Chairman Straus requested clarification of the location of the Brinkley's garage.

Observing that the Brinkley's actually have two garages, Mr. Howie pointed out that it is unfortunate the second garage had been constructed only two years ago and that the second garage would no longer have access.

Ms. Antonio requested clarification that all brick and stonewalls are low retaining walls and that the wood fences would be installed on top of these walls.

Mr. Howie advised Ms. Antonio that the fence would be installed only at the existing grade.

Emphasizing that anyone intending to testify is required to submit a yellow card, Mr. Straus indicated that he would attempt call these individuals to testify in the order in which they submitted their cards. He reminded those who wish to testify that it is necessary to address the specific criteria with which testimony would be evaluated, emphasizing that this is listed within the Staff Report.

#### **PUBLIC TESTIMONY:**

**ROB TWAIN** described the location of his property with respect to the proposal, observing that the area has some severe surface water issues and that he is concerned with drainage, particularly groundwater. He pointed out that raising the street will mean that his property would be the low point and that this water would no longer flow past his property, which would become the lowest point. Noting that he is already dealing with these issues, he stated that he wants is concern to be on the record, emphasizing that the situation could become worse. Expressing his opinion that while the intersection could be improved, it functions pretty much the way staff is describing at this time, and questioned the need for this project and the costs involved.

**MARINER IZATT** mentioned that while he was concerned with a sound wall, it appears that there would not be one.

Chairman Straus advised Mr. Izatt that a sound wall is not included within the scope of the project.

Mr. Izatt questioned whether a retaining wall would be included in the project, emphasizing that the property would be elevated, adding that his property is located next to the Brinkley property.

Chairman Straus pointed out that there is a proposal for a rough-rock type of retaining wall, with a fence on top of it, facing into Mr. Izatt's property.

Expressing his concern with super-elevation, Mr. Izatt emphasized that because he had been employed by the Highway Department for more than 30 years, he is aware that super-elevation creates a poor situation in icy weather. He suggested that the driveway entrance to the house on SW Oxbow Terrace should be retained.

**GISELA HARRIS**, expressed her concern with the potential construction noise level, construction hours, dust and traffic.

Chairman Straus advised Ms. Harris that certain City standards apply to the hours of operation and control of dust and other similar issues, adding that either the applicant or staff would explain further.

Observing that her children play in the yard, Ms. Harris pointed out that with the roadway elevated, the traffic is higher than the back yard. She expressed concern that with no protection from a potential accident, it is possible for a vehicle to end up in her back yard where the children are playing.

Chairman Straus reiterated that the applicant would address this issue.

**JUDY SANDERS** pointed out that while she shares some of the same issues that have been expressed by others, her greatest concern is with this \$10 Million expenditure for safety improvements. Expressing her opinion that this is not a safety issue, she mentioned that she does not understand how this project would increase the safety of this roadway during inclement weather. She mentioned that the current noise level in the area is more than she feels comfortable with, adding that she is also concerned with the equipment being used and subsequent damage to Rebecca Street. She noted that cracks have appeared in the street and that oil leaks from the equipment have been left on the pavement in front of her home.

**EVERDINE ALLRED** described the location of her property, observing that she wants the driveway back in the rear of her property. Providing illustrations of the property, she mentioned that she had lived there for 22 years, long before a great deal of the development that currently exists. She pointed out that curb cuts are necessary in order for her to access her property, emphasizing that while her neighbors have curb cuts, she has not been included, although this access would not be used on a regular basis.

Chairman Straus explained that the illustration is part of the previous improvements from the original development of SW 125<sup>th</sup> Avenue, rather than for this particular project, adding that while this is not an issue, he just wanted to

establish that fact. Observing that Ms. Allred would like the curb cuts included in this current project, he suggested that she discuss the issue with staff to determine whether this could be conditioned within the approval or included in the scope of the project.

Ms. Allred emphasized that a curb cut would provide the only means for getting a load of bark dust or anything else to that portion of her property, adding that it is necessary to carry all materials through a six-foot door.

Assuring Ms. Allred that he understands her dilemma, Chairman Straus observed that this particular site might not even be located within the project area. He pointed out that if it is within the boundaries of the project, staff might be able to address the issue.

Mr. Beighley stated that the property is located within the project boundaries.

Chairman Straus instructed staff to enter Ms. Allred's illustrations into the exhibits as relative to her testimony.

Mr. Ryerson advised Ms. Allred that her documents would need to be submitted as a part of the record with regard to her testimony, adding that Mr. Howie would address her issues following the remainder of the public testimony.

On question, Chairman Straus advised Ms. Allred that her issue would most likely be addressed through a Condition of Approval within the Land Use Order, adding that this condition would stipulate that a driveway is to be provided at that specific location.

**JOEL McKAIG** observed that he is not complaining about the proposed development, adding that he does have several questions and comments. Referring to the map, he indicated the location of his home, and questioned whether any changes would occur to SW Greenway in the area of his fence and home. He pointed out that while his is the fifth home in that area, it appears that the scope of the project ends at the fourth home. He discussed traffic issues, and requested clarifications of whether there would be a detour during construction or if traffic would be able to travel in both directions. He pointed out that impatience with construction would cause a great deal of the traffic to reroute through the neighborhood, expressing concern that this 25-year-old neighborhood is full of children. He discussed the possibility of the entire neighborhood becoming a parking lot for the construction crews, and questioned whether a certain area would be designated for these vehicles to park.

**LUCY BRINKLEY** questioned whether this proposal is a done deal. Pointing out that this Public Hearing serves a purpose, Chairman Straus advised Ms. Brinkley that the Board of Design Review is not a rubber stamp.

Ms. Brinkley pointed out that it appears that the project is beginning to occur, emphasizing that her home would soon be located in a hole surrounded by dirt. She mentioned that the view from her daylight basement is a retaining wall, emphasizing that she is very concerned with the drainage, as well as the potential for vehicles entering her back yard, adding that this has already occurred on two separate occasions. She noted that these two vehicles entered her back yard coming up the existing embankment, adding that the proposed development would create an even more dangerous situation when vehicles could possibly go down into her back yard. Observing that staff has indicated that this proposal addresses safety issues, she questioned the possibility of installing speed bumps and leaving the intersection as it currently exists, adding that this would slow the traffic down properly. Noting that vehicles should not be traveling 37 to 40 miles per hour in this area, she expressed her concern with the safety of the children in the neighborhood. She requested clarification of when funds would become available to complete this proposed \$10 Million project, suggesting that the entire project could be done at a time when all of the funding has been appropriated.

**RICHARD BRINKLEY** discussed a building permit he had applied for two years ago, adding that he has a second driveway on SW Oxbow Terrace providing access to a second garage. He pointed out that because the City of Beaverton is elevating the roadway, the driveway would be too steep for access and his garage would no longer be functional. He further explained that because there is not adequate room for the required setback, he is not allowed to relocate the garage door to the other side of the structure, emphasizing that his new garage is no longer a garage. Expressing his opinion that he should have been informed of this proposal two years ago prior to constructing this building, he clarified that this building had been constructed in the summer of 1999.

Observing that their application for a building permit should have been denied due to this potential development, Ms. Brinkley pointed out that they have spent \$40,000 constructing a garage they are unable to access. She expressed concern that any potential purchaser would not be interested in purchasing a home that sits down in this hole, adding that she is considering legal action against the City of Beaverton for allowing them to proceed with project that caused them to go into debt for a structure they are unable to access. Concluding, she stated that she would like written documentation providing assurance with regard to corrective action that might be necessitated by potential drainage issues.

Mr. Nardozza requested further information with regard to the accessibility of the garage, specifically whether this structure is utilized as a garage or a shop.

Observing that he enjoys working on classic cars, Mr. Brinkley advised Mr. Nardozza that he utilizes the building for project cars.

Mr. Nardozza questioned whether the garage door could not be located on the back of the building due to an easement issue.

Mr. Brinkley informed Mr. Nardoza that while he has 11-feet of space available on the back of the building, this does not meet the Development Code standards. He pointed out that he would be able to access the garage if he was allowed to install a garage door and driveway in that area.

Chairman Straus pointed out that the City of Beaverton should provide a solution for a problem they have created.

**GEORGE WALL** mentioned that he is the owner of the day care west of SW 125<sup>th</sup> Avenue on the south side of SW Brockman Street, noting that he is concerned that this proposal would cut substantially in front of the day care, requiring him to move his parking lot. He requested clarification of whether any necessary changes he makes would be able to be processed concurrently with the proposal to make certain that he is not placed in a situation that makes it difficult to continue to operate. He expressed concern with the nonchalant and indifferent attitude of the appraiser with regard to his concerns.

**MARK DOW** mentioned that he lives next to Brinkleys, expressing his concern with a sound wall, traffic safety, financial implications of the proposal, and emissions from vehicles.

8:30 p.m. to 8:40 p.m. – recess.

#### **APPLICANT REBUTTAL:**

Mr. Howie stated that he has an extensive list of issues that had been discussed, adding that he would like to address all of the highlights. Observing that this project involves Phase 1 of an ultimate extension, he reiterated that the purpose of this phase is to improve intersection sight distance. Noting that different individuals have varying opinions of whether or not a problem exists at this location, he emphasized that based upon the existing elevations, it is currently difficult to see into that intersection, particularly when entering from SW Sorrento Road and due to the SW Greenway curve. He mentioned that the applicant is proposing, based upon the posted speed of 35 miles per hour, a 45 mile per hour design speed, adding that an internal request would reduce the 45 mile per hour design speed to 37 miles per hour. He emphasized that the overall improvements would improve both the intersection and the sight distance.

Referring to Mr. Twain's drainage issues, Mr. Howie pointed out that the hill on the future extension increases in grade and that all of the water, including both surface water and rainwater, from that extension area drains into Mr. Twain's property. He explained that the proposed grading in the extension, which is illustrated on the handout he had provided, would relocate the contours and grading in order to divert the surface water and rain water to the field inlets (located at the bottom of the page). He mentioned that a French drain, which would be buried, would be included to catch any rainwater that does enter that

area. Observing that an extensive drain analysis had been performed on the proposed project, he noted that the analysis included the entire drainage basin area, taking into account today's standards.

Referring to the field drains, Ms. Antonio requested clarification of how these drains are constructed.

Mr. Howie explained that the field inlet includes a grate at the top, facing uphill, in order to divert the water into the drain and into underground storm drain pipes included with the project. He noted that while there are existing pipes, this project would include additional pipes and increase the capacity.

Mr. Degas clarified that a portion of Mr. Twain's concerns with drainage across his property pertains mostly to the southeast corner of his property, noting that this has been discussed with Mr. Twain and that the applicant intends to install a trench drain along his property towards the end of the project limits. He expressed his opinion that this should eliminate any surface flow that is occurring, adding that this flow should be diverted to the proposed storm drainage system. On question, he assured Mr. Nardozza that this involves a permanent system.

Mr. Howie referred to the issue of super elevation, clarifying that the City of Beaverton is proposing a 5% super elevation, adding that this is within the maximum guidelines of the *Engineering Design Manual* and that 6% is the maximum elevation allowed.

Observing that no work has been proposed on SW Rebecca Lane, Mr. Howie pointed out that at the second house, there is a berm where the existing roadway is situated. He explained that this project would raise the grade to be even with that berm, adding that this should have no impact on adjacent property.

Referring to concerns expressed with regard to potential noise levels, Mr. Howie mentioned that an extensive noise study had been prepared, adding that ODOT and Federal guidelines state that with a project such as this, the project would need to significantly increase noise levels, which would not occur.

Ms. Antonio pointed out that she is a graphic artist, rather than an engineer, requesting further clarification of how the noise is measured with regard to this study.

Mr. Howie explained that a noise study includes collection of data regarding background levels, based upon existing traffic levels, which is measured in decibels, and includes both traffic volumes and noise levels. He emphasized that the noise study only pertains to the peak traffic hour, at which time the noise would be the greatest. He mentioned that the model includes the existing conditions, taking into consideration what the new roadway would look like, emphasizing that the study had concluded that there would be no significant increase in noise levels. He pointed out that the major cause of increased noise

levels is the result of capacity improvements, noting that additional traffic lanes and additional vehicles are not included in this proposal. He explained that traffic volume would need to double in order to create a three or four-decibel increase, adding that the decibel level at this location currently ranges from 64 to 67 decibels, pointing out that a human ear perceives an increase of three to four decibels. He explained that in order for a project such as this to warrant the noise level, certain criteria must be met, as follows:

- ?? The project must significantly increase noise levels, by five or six decibels; and
- ?? A minimum noise level of 65 decibels must be met.

Observing that existing properties in this area are at a level greater than the noise threshold and considered noise-impacted, Mr. Howie emphasized that while this project does not increase these noise levels. He further explained that in order to decrease the noise levels, the walls would have to be ten to 13 feet in height, which did not enthruse the homeowners in the area. Noting that speed bumps had been suggested, he pointed out that this is an arterial roadway, rather than a local road, adding that speed bumps would significantly affect the flow of traffic through the area.

On question, Mr. Ramisch informed Ms. Antonio that the entire length of SW Hart Road is a collector, rather than an arterial street.

Referring to the curb cut, Mr. Howie pointed out that the limits of the project extend to that point, adding that although there had been a driveway access, curb cut or driveway approach at that point in 1980, since that time this access has been removed. Observing that the City of Beaverton has determined that access to SW 125<sup>th</sup> Avenue should be limited, he explained that the property owner has the option of bringing this issue before the Traffic Commission.

Ms. Antonio pointed out that this property owner has indicated that while she has no access, her neighbors do have access to SW 125<sup>th</sup> Avenue.

Mr. Howie advised Ms. Antonio that these neighbors have access off of SW 125<sup>th</sup> Avenue because this is their only access. Observing that there has been a great deal of speculation with regard to the construction process, he emphasized that he prefers not to discuss the different phases at this point. He pointed out that the applicant's primary focus would be to maintain the necessary two-way traffic in the area, adding that they had withdrawn their request to close this road for extensive periods of time. Referring to the future plans for Oxbow Loop, he noted that while he does not intend to go into this in great detail at this time, it is intended that this street would eventually be a right-in right-out and connected to the new extension. He discussed the dual advantage of the wider vehicle travel lane, noting that in the future, it would be possible to restripe that area, shift all of



the lanes to the north, leaving a right turn lane to the future SW 125<sup>th</sup> Avenue Extension.

Mr. Howie referred to the Brinkley property, observing that what is shown in the plan sheet is based upon staff's conversations with the Brinkleys. He pointed out that although staff is attempting to work with the Brinkleys, negotiations have not yet been finalized, adding that the lack of coordination with the City of Beaverton with regard to their building is unfortunate. Noting that staff had considered providing a Condition of Approval with regard to the garage, he mentioned that there is a problem with regard to the 25-foot setback requirement for driveway approaches. He explained that if that particular driveway were reinstated following raising the grade, there would be an issue with creating a grade greater than the 25% standard, which does not comply with the Engineering Design Manual.

Observing that this garage is actually secondary, Mr. Nardozza pointed out that Mr. Brinkley is utilizing this garage as a shop for cars, which is his hobby, expressing his opinion that this could be considered an accessory building with an overhead door, which does not require a 25-foot setback, which is necessary for a driveway that is utilized on a daily basis.

Mr. Ryerson clarified that the minimum setback for a garage in this particular zone is 20 feet, adding that for rear property line, the minimum setback is 22 feet. He explained that even with the flexible setback opportunities, the minimum setback is still 20 feet, although there is a possibility of submitting an application for a Variance. He cautioned that a Variance request is only an option, emphasizing that it is not possible to determine the outcome at this point without all of the facts.

Mr. Nardozza pointed out that the City of Beaverton has actually created this problem for the Brinkleys, expressing his opinion that it is necessary to accommodate them. Reiterating that this secondary garage could be considered an accessory building, he commented that this might solve the issue.

Mr. Ryerson informed Mr. Nardozza that staff would need time to study this issue prior to responding to this suggestion.

Referring to the issue regarding the day care parking lot, Mr. Howie mentioned that it would be necessary to regrade the entire parking lot to meet engineering design standards illustrated on Sheet C-400, which would not impact the existing parking lot capacity.

Mr. Howie expressed his regret with what had been referred to as a cavalier attitude on the part of the appraiser, emphasizing that while this individual is not a representative of the City of Beaverton, he would definitely address this issue.

Chairman Straus questioned whether the new parking lot would provide handicapped accessibility up to the front door of the day care.

Mr. DeHaas assured Chairman Straus that a handicapped accessible route from the parking lot to the day care would be provided. He discussed concerns expressed with vehicles passing on the right, observing that the applicant has proposed an extra-wide turn lane from SW Greenway Drive onto SW Oxbow Terrace. He explained that in addition to eliminating what could be an evasive maneuver to get around a vehicle staging to turn left, this would also prevent stacking into the intersection.

Chairman Straus pointed out that passing on the right is not normally considered an acceptable maneuver.

Mr. Howie advised Chairman Straus that passing on the right in this situation is acceptable according to the vehicle code, as long as the vehicle being passed is stopped and attempting to turn left and the vehicle passing does not enter the bicycle lane.

Chairman Straus questioned how an individual would determine that it is appropriate to pass on the right if no markings are present directing the vehicle turning left to situate his vehicle in a certain position that leaves adequate room for the vehicle passing on the right. He emphasized that drivers do not always automatically position their vehicles in the most appropriate position to make such a turn.

Agreeing that this presents a slight dilemma, Mr. Howie pointed out that most drivers making this turn would be aware that it is necessary to get into the appropriate area, leaving adequate room for a vehicle passing on the right. He mentioned that the Transportation Engineer had recommended against striping this area, noting that it had been determined that this would most likely create additional confusion. He emphasized that the ultimate improvements for this area with the extension provide for a right-in right-out on SW Oxbow Terrace. On question, he advised Chairman Straus that in addition to SW Davies Road and SW Oxbow Terrace, there would be access on SW Stillwell Lane, to the north. He mentioned that there would also be the potential to add a right turn lane to the future extension.

Mr. Nardoza commented from the prospective of somebody who drives through it, this is currently a nasty intersection during certain periods of the day, particularly during inclement weather.

In an attempt to summarize the issues, Mr. Howie emphasized that none of the public testimony addressed applicable criteria, expressing his opinion that the application has met the Design Review criteria in full.

Mr. Beighley requested clarification of whether funding is available for this project.

Observing that the funding for the extension project is estimated at \$10 Million, Mr. Howie pointed out that the construction funding for this project, in the amount of \$1.8 Million, is available at this time.

Mr. Beighley questioned the time frame estimated for the construction of this project.

Mr. Howie explained that the construction is partially dependent upon when *Verizon* gets out of the way, adding that it is feasible that the applicant would work with them concurrently, hopefully this summer after school is out. He estimated the length of time to complete the project in stages while continuing to assure that traffic is able to function in both directions would be roughly four to five months.

Referring to the proposed SW 125<sup>th</sup> Avenue extension to the north, Mr. Beighley questioned whether this traffic count has been factored into the noise issue.

Mr. Howie advised Mr. Beighley that the noise study includes the traffic count for the proposed SW 125<sup>th</sup> Avenue extension, adding that this had been reviewed both with and without this proposed extension.

Mr. Beighley pointed out that when the grade on 143<sup>rd</sup> Avenue behind his home was raised, the noise level had increased to a greater level than what had been anticipated.

Referring to Criterion "G", Ms. Shipley mentioned that the location of walls are to be such that they have no adverse effect on existing or contemplated abutting land uses. She expressed her opinion that this directly addresses the concerns expressed by the Brinkleys, observing that the placement of this wall would affect the existing use of their driveway.

Mr. Howie reiterated that staff is working with the property owner in an attempt to resolve these issues, adding that the Brinkleys do have a main access driveway and that no property owner is guaranteed two access driveways. He expressed his opinion that it is unfortunate that this secondary garage had been installed within the last two years.

Pointing out that the walls themselves are not the reason this driveway would no longer function, Mr. DeHaas emphasized that the grade of the new roadway is what would discontinue the use of this driveway.

Ms. Shipley referred to Criterion "F", which addresses minimization of possible adverse effects created by the grading.

Mr. Howie noted that based upon other available alternatives, this particular alternative created the least potential impacts, emphasizing that there is no easy solution in the design of this intersection and that staff has made every attempt to minimize impacts.

Ms. Antonio referred to comments with regard to the road being at the same level as the yard and the potential for a car sliding into an individual yard. Observing that she is aware that this is outside of the scope of the project, she questioned whether staff has any suggestions that might provide some protection.

Referring to an engineering manual, specifically *The Roadside Design Guide*, Mr. Howie mentioned that in this situation, basically the curb and gutter would serve as a potential barrier. He pointed out that the installation of guardrails has the potential for causing more damage to the individual in the vehicle sliding off of the road.

Ms. Antonio requested clarification of what a homeowner with children playing in the yard could possibly do to provide some protection.

Mr. Howie advised Ms. Antonio that an individual homeowner would have the option of replacing the fence with a stronger wall.

Ms. Shipley referred to the cars that have already entered the Brinkley's yard, requesting clarification of whether this has been caused by current dangerous conditions at this intersection and whether the proposed improvements would decrease the likelihood of cars entering their yard in the future.

Mr. Howie emphasized that this is the idea of improved intersection sight distance, observing that this would decrease the likelihood of cars entering the Brinkley's yard in the future.

Observing that several issues had not been addressed, Ms. Antonio expressed concern with detours into the residential areas during the construction phase and a restricted area for the construction crews.

Mr. Howie assured Ms. Shipley that traffic would not be routed through the residential areas, such as SW Rebecca Lane.

Ms. Antonio pointed out that while traffic would not be intentionally routed through the residential areas, people have a tendency to look for shortcuts when a roadway is blocked.

Mr. Howie informed Ms. Antonio that the construction phase would include flaggers to direct traffic appropriately, adding that the idea of the staging area is to provide a location for construction materials to prevent them from being located elsewhere.

Emphasizing that this type of a project is awkward, Chairman Straus pointed out that the criteria is built around the notion of buildings working into an urban fabric and allowing for public access and public utilities. He noted that when the applicant itself is a public entity, the criteria involve a different twist, unlike that of a private development, and mentioned that the intent of the criteria is still the same, and includes a safe and efficient circulation pattern. He expressed concern with the neighbors north of SW Greenway off of SW Oxbow Terrace and SW Rebecca Lane. Referring to Drawing C-500 and Drawing C-501, which illustrate the plan view and the road profiles for the proposal, he mentioned that to the west of SW 125<sup>th</sup> Avenue, there is a break in the slope of the roadway, adding that the new roadway to the west of that area is declining towards the east at a rate of 6.67%, adding that the grade suddenly flattens out to 5% and continues across the SW 125<sup>th</sup> Avenue intersection, sloping down at SW Oxbow Terrace to 7.3% as it continues on to the east. He expressed his opinion that a compromise in that slope would likely eliminate the problem to the east on SW Oxbow Terrace.

Mr. Howie responded that the existing slope on SW Greenway transitions to a 9.6% slope on SW Brockman Street.

Chairman Straus agreed that the existing grade on SW Greenway is at a fairly gentle slope, adding that just past SW Oxbow Terrace, this slope takes off abruptly, suggesting that rather than extending the blend and not flattening out that center section at SW 125<sup>th</sup> Avenue, it would be more feasible to blend back into the existing SW Greenway Drive at a point closer to SW 125<sup>th</sup> Avenue than what is currently proposed.

Mr. Howie stated that he does not recommend the 6% slope through an intersection, emphasizing that 5% is the maximum slope through an intersection. He further explained that during icy conditions, after stopping, a 5% slope is about the maximum that would allow a driver to get the vehicle moving again, adding that this is the criterion that had been addressed through this intersection and that this is also referenced in the Engineering Design Manual.

Chairman Straus referred to the intersection at Chelan, observing that this slope is 7.3%.

Mr. Howie advised Chairman Straus that the 5% addresses an arterial-to-arterial requirement, observing that Chelan is not an arterial street.

Chairman Straus expressed his opinion that ice is ice, whether the grade is 5% or 6%, adding that it is necessary to create roadways that the community can deal with.

Mr. Howie pointed out that because the bulk of the traffic is on the arterial streets, 5% is considered the maximum grade, adding that an increase to 5% would result in the majority of the vehicles being unable to travel through the intersection

during inclement weather. He mentioned that on the local roads, a vehicle would have more room to back up and gather additional momentum to travel through the intersection.

Chairman Straus stated that any adverse impacts on neighboring properties are actually a sacrifice for the good of the community.

Mr. Howie informed Chairman Straus that staff attempts to consider the balance of the impacts, emphasizing that public projects, including roads, are for the good of the community and that it is not possible to make everyone happy.

Chairman Straus expressed his opinion that it is not necessary to crest SW Oxbow Terrace in the manner proposed in this project.

Mr. Howie pointed out that SW Greenway is at a 5% super elevation, adding that it is necessary to go 25 feet back from beyond the intersection at that tangent point to maintain that grade, which is required by the design manual.

Chairman Straus requested clarification of why this hump is necessary at this location.

Mr. DeHaas pointed out that the 4.29% is actually the slope of SW Greenway Drive, adding that the slope quickly pulls off of SW Greenway, adds a vertical curve, and returns to the original grade.

Chairman Straus commented that SW Greenway does not have a normal crown.

Mr. DeHaas advised Chairman Straus that although SW Greenway currently has a normal crown, it does not meet curvature standards, adding that there would be no crown with the proposed development.

Chairman Straus questioned why SW Greenway would have no crown.

Mr. DeHaas explained that in order to meet the same design speed necessary for that 85 percentile, it would be necessary to straighten out SW Greenway without super-elevation to the extent that it would have eliminated five or six houses through the middle of the properties.

Chairman Straus stated that it is necessary to provide an embankment on the road in order to prevent the vehicles from flying off into space because they are traveling so fast.

Mr. Howie advised Chairman Straus that this is included within the design criteria, adding that on arterial streets, the actual design manual specifies 45 miles per hour, although the posted speed limit is 35 miles per hour.

Mr. DeHaas commented that without super-elevation, it would not be possible to maintain the steep curve, adding that it would have been necessary to flatten out this curve significantly, cutting through individual properties.

Mr. Straus expressed his opinion that for this short stretch of roadway, it would make sense to reduce the speed from 35 to 30 miles per hour, in the interest of addressing issues that are peculiar to this area.

Mr. Howie emphasized that this is an arterial roadway with design standards that require a 45-mile per hour speed limit.

Observing that the City of Beaverton creates and can change these standards or make exceptions, Chairman Straus pointed out that the conditions for a Variance exist with this particular situation. He noted that the applicant would be requesting a Variance to allow for a solution that is "most suitably fit".

Expressing his agreement with Chairman Straus' comment with regard to a solution that is "most suitably fit", Mr. Howie emphasized that the applicant's design is a balance of what is "most suitably fit" for all concerned.

Observing that he does not agree that this proposal provides the "most suitably fit" balance, Chairman Straus stated that all issues have not been considered. He noted that certain homeowners would be suffering consequences because of standards that have been determined by staff, adding that it is feasible to request a change in the standard that would make certain that there would be no impact to any of the property owners.

Mr. Howie reiterated that it is not always possible to satisfy everybody all of the time with public improvement projects.

Chairman Straus commented that private developers are required to address these concerns, adding that the City of Beaverton, as an applicant, should not expect to be treated any differently.

Mr. Howie pointed out that private developments do not satisfy everyone concerned all of the time, either.

Chairman Straus mentioned that a private developer requests Variances and presents their proposal to the Planning Commission, adding that if enough individuals object, the project is denied or a continuance is requested in order to make necessary adjustments. Observing that he has served on the Board of Design Review for 16 years and has witnessed a large number of public projects, he stated that while the City of Beaverton does a good job of meeting its own requirements, it does not deal very effectively with its impact on the public. Emphasizing that he is not disputing that the project would improve the intersection, he stated that he is not satisfied that the proposal addresses the issues

as much as possible. He pointed out that certain property owners, including Mr. Brinkley, are finding it necessary to jump through hoops to solve problems the City of Beaverton has created for them

Mr. Howie deferred to Mr. Ryerson, who provided an illustration on the white board indicating a potential solution to this issue. He described the lot, including a tool shed located on the property, and discussed the option suggested by Mr. Nardozza and Mr. Howie, specifically to widen the existing driveway, extend to the rear of the building and eliminate the existing driveway and put a secondary door into the garage/shop structure. He referred to Development Code Section 20.05.50.3, which states that in addressing garage setback requirements, the setback is measured from the garage door to the property line. He suggested switching and installing the garage door on the backside, which would create an 11-foot setback. He referred to Development Code Section 20.05.50.3.B.3, which states that the side yard setback for a garage in the R-7 zone is 20-feet. He pointed out that if the property line were considered the rear yard, the required setback is 22-feet, adding that he believes that this would actually be considered the side yard, rather than the rear yard, and that the side yard is 20-feet. He explained that locating the door on the other side of the garage would most likely require a Variance approval, adding that it is possible that the City of Beaverton could submit this application on behalf of the Brinkleys. He emphasized that it would not be possible to actually approve this request at this point without the actual Variance application.

Chairman Straus commented that it is not feasible to make this turn into a garage with a driveway that is 11 feet wide.

Mr. DeHaas noted that Mr. Brinkley had expressed a desire for a 16-foot wide rollup door through which he could push vehicles in and out, adding that he had openly expressed his opinion that this would work for him.

Mr. Nardozza pointed out that with one vehicle in the garage at a time, and a 16-foot wide door, it would be possible to make these turns within the garage.

Mr. DeHaas noted that Mr. Brinkley is not intending to drive vehicles in and out of the garage on a regular basis.

Observing that he understands that vehicles would not be driven in and out of the garage on a regular basis, Chairman Straus stated that there needs to be an accommodation because the City of Beaverton is creating this problem.

Agreeing with Chairman Straus, Mr. Ryerson pointed out that there are right-of-way negotiations occurring and it is possible that this issue could be included within those negotiations, specifically that the City of Beaverton could process the Variance application on behalf of the Brinkleys and work towards a compromise.



Chairman Straus suggested including a Condition of Approval with this application, providing that the City of Beaverton is responsible for all costs and processing of any applications necessary to accommodate the Brinkleys.

Mr. Ryerson expressed his agreement with Chairman Straus.

Chairman Straus pointed out that while it is not possible to guarantee that this Variance request would be approved, it does not appear that the City of Beaverton is in a position to object.

On question, Mr. Osterberg commented that while both the Planning Commission and the Board of Design Review have the authority to approve a Variance application, the Board of Design Review might be the more appropriate decision-making authority for this particular Variance application.

Referring to Chairman Straus' suggestion for a Condition of Approval providing that the City of Beaverton is responsible for all costs and processing of any applications necessary to accommodate the Brinkleys, Mr. Ryerson requested clarification of whether this Condition of Approval should also indicate that approval of this application would be determined by the Board of Design Review.

Mr. Osterberg advised Mr. Ryerson that it would not be necessary to stipulate that the Board of Design Review be the decision-making authority for this Variance application within the Condition of Approval.

Chairman Straus indicated that Mr. Ryerson or another member of staff familiar with this situation should be involved in the Variance application, and was advised by Mr. Ryerson that this would not be a problem.

Chairman Straus pointed out that there are also issues with regard to drainage and the high wall facing into the yard, suggesting the possibility of installing something like a French drain along the base of the wall to assure that any water that does enter the area has a way to drain.

Mr. Howie submitted an additional design sheet as an exhibit, for the record.

Mr. DeHaas pointed out that he had discussed this plan with both Mr. Howie and Mr. Brinkley, adding that Mr. Brinkley had indicated his preference for a tier wall, which would be more presentable and would allow for more plant material.

Chairman Straus mentioned a note with an arrow pointing to the back side of the house and a possible driveway, adding that the note states, as follows: "Improvements as shown will be constructed by City of Beaverton contract, all other associated work by property owner," and requested clarification of what this is referencing.

Observing that this is part of the right-of-way negotiations, Mr. Howie noted that the property owner desires to widen out that driveway, whether he can construct a garage or not, adding that the City of Beaverton would be responsible for the cost of the driveway widening and certain other improvements. He explained that the City could either do the work or reimburse the property-owner for doing the work, adding that it is sometimes preferable for the property-owner to manage the work because they are able to maintain direct supervision on the contractor and address any problems immediately.

Mr. Beighley requested clarification of whether these improvements would include the overhead door.

Mr. Howie assured Mr. Beighley that the City of Beaverton would be responsible for the cost of the overhead door, unless the Variance application is denied, in which case the property owner would be compensated for the “uselessness” of that garage door.

Chairman Straus requested clarification of what specifically falls into the category of a garage door.

Mr. Ryerson described a garage door as a door that you are able to ingress or egress into a garage, adding that this definition is also dependent upon what is inside the area behind the door.

Chairman Straus pointed out that the area is a workshop – a very large patio door out to an outdoor work area.

Mr. Ryerson provided the Development Code definition of a garage, as follows: “an accessory building or portion of a principal building used for the parking or storage of vehicles”, adding that the door would be provided for that purpose.

Chairman Straus commented that it would be more appropriate to worry about this issue at a later date.

Mr. Howie agreed that it would be more appropriate to address this issue at the time that the City of Beaverton proceeds with the Variance application.

Mr. Beighley referred to the keystone walls, questioning whether the fencing would still be required on top of the keystone walls.

Mr. Howie advised Mr. Beighley that the fencing would be required along the first keystone wall, adding that this is included within the exhibit map, on the wall closest to the right-of-way.

Mr. Beighley pointed out that the plan indicates a six-foot fence on SW Oxbow Terrace and a three-foot fence on SW Greenway and around the corner.

Mr. Howie explained that the three-foot fence would be in consideration of meeting the City of Beaverton's sight distance requirements, adding that a "vision triangle" exists when approaching the intersection of SW Greenway and SW Brockman Street, and that the three-foot height would not impact this "vision triangle". On question, he advised Ms. Antonio that the fence would be one foot on the City side of the right-of-way, adding that the transition from three-foot to six-foot could be negotiated with the individual property owners.

Ms. Shipley requested clarification of why it is necessary to increase the speed on the arterial streets, specifically why it is necessary to have the ability to drive 37 miles per hour on this particular arterial street and not on SW Allen Boulevard, which is also an arterial street.

Emphasizing that the posted speed limit would not be changed, Mr. Howie pointed out that these requirements are designed to meet specific criteria in effect at the time of the development. Noting that 45 miles per hour is the City of Beaverton's guide for this specific arterial street, he noted that a study had determined that 85% of the vehicles in the area travel at 37 miles per hour, although the posted speed limit is 35 miles per hour. He emphasized that the 37 miles per hour provides for a slight cushion above the design speed, which is typical, adding that engineers generally require a five-mile per hour cushion above the posted speed.

Mr. DeHaas emphasized that changing the posted speed does not necessarily slow down the traffic, adding that the speed study determines how fast vehicles are traveling on the roadway to begin with and that the current roadway is not safe for the rate of speed at which these vehicles are traveling.

Mr. Howie commented that the Speed Control Board establishes speed signs based upon 85<sup>th</sup> percentile studies.

Noting that the improvements would be making it safe for vehicles to travel at a speed at which they are already traveling, Ms. Shipley expressed concern that these individuals might now have a tendency to increase their speeds even more.

Observing that the absolute minimum would be a design speed of 35 miles per hour, Mr. Howie emphasized that it would not be feasible to under-design the road. He expressed his opinion that staff had determined that it would be prudent to provide for a slight cushion, adding that this is within the limits of the speed study. He pointed out that a design speed of 55 miles per hour does not guarantee that vehicles will be traveling at that speed or that this speed would not increase at some future point, adding that most individuals drive at a rate of speed they are comfortable with.

Mr. DeHaas reminded everyone that this project involves a Phase 1 portion that would tie into the ultimate SW 125<sup>th</sup> Avenue Extension, noting that this particular

phase has been designed with this future extension in mind. He pointed out that SW 125<sup>th</sup> Avenue partially dictates the grades of this intersection.

Chairman Straus requested clarification of the consequence of SW 125<sup>th</sup> Avenue on the designation of SW Greenway from SW 125<sup>th</sup> Avenue to SW Hall Boulevard.

Mr. Howie advised Chairman Straus that SW 125<sup>th</sup> Avenue is an arterial street.

Observing that staff is providing an additional arterial that is intended to absorb the bulk of the traffic around the Greenway Neighborhood over to SW Hall Boulevard, Chairman Straus requested clarification of whether the existing street would be downgraded to become more of a neighborhood street.

Mr. Howie noted that with the extension, SW Greenway would experience a reduced amount of traffic, although a significant amount of traffic would continue to flow through that street. Reiterating that funding for the SW 125<sup>th</sup> Avenue Extension is not available at this time, he noted that in lieu of this extension, the demands are so great that it would be necessary to widen SW Greenway out to two lanes in each direction from SW Hall Boulevard to this intersection. He pointed out that this is in consideration of a 20-year design time, noting that the preliminary design process had been completed several years ago and the 20-year design time way the year 2015 was at that time. He commented that while SW 125<sup>th</sup> Avenue helps to alleviate this situation, there are still substantial amounts of traffic.

Chairman Straus noted that the intent is to route the through traffic primarily onto SW 125<sup>th</sup> Avenue, adding that SW Greenway would be more of a collector street, rather than an arterial street.

Referring to the 20-year design horizon on the traffic study, Mr. Howie pointed out that SW Greenway would continue to serve as an arterial street. He explained that the extension provides many additional benefits, noting that it would reduce some of the traffic off of SW Sorrento Road and reroute it to the arterial street. He mentioned that this also alleviates the need for improvements at SW Hall Boulevard and SW Greenway, as well as the need for improvements on the Hall Boulevard/Highway 217 on and off ramps and additional turn lanes on those ramps. Reiterating that this is an expensive project, he emphasized that staff is searching for funding.

Mr. Beighley requested clarification of who would be responsible for the maintenance of any landscaping associated with this project.

Mr. Howie advised Mr. Beighley that because these improvements are located within the City's right of way, the City would be responsible for the maintenance.

Mr. Beighley expressed concern that significant conifers in the existing right-of-way along the property belonging to the Brinkleys and two other property owners is being lost, adding that the trade-off appears to be some street trees and some turf. He noted that raising the grade through this area from west to east and coming around the corner presents some headlight problems that need to be addressed, expressing his opinion that interfacing the new landscape trees along that right-of-way with some conifers should be considered, adding that this could provide year-round protection from the glare of vehicle headlights.

Mr. Howie pointed out that the current design had been based upon input and recommendations of the City Arborist.

Mr. Ryerson clarified that the City Arborist and Urban Forester had proposed the Maples, adding that the conifers would not actually be considered street trees.

Mr. Beighley noted that although the conifers are not street trees, they would reinforce the buffer along that area.

Mr. Ryerson emphasized that these conifers would be in addition to the street trees, rather than replacing street trees, adding that these trees would be located between SW Oxbow Terrace and the east end of the project.

Mr. Beighley suggested that the conifers should cover the first three lots from SW Oxbow Terrace.

Mr. Howie pointed out that without a sidewalk in that area, the conifers are a good idea.

On question, Mr. Beighley informed Mr. Ryerson that these conifers should be located in the right-of-way.

Mr. Ryerson suggested that the Condition of Approval should specify the height and type of conifers to be planted within the right-of-way.

Mr. Howie expressed his opinion that the Condition of Approval should include the phrase "as approved by the City Arborist".

Chairman Straus questioned whether any private properties other than at day care center are impacted to the point of where it would be necessary to replace existing landscaping.

Mr. Howie informed Chairman Straus that the proposal includes the replacement of *Verizon's* landscaping on the corner and Rahimi's landscaping on the SW Greenway /SW 125<sup>th</sup> Avenue side.

Mr. DeHaas noted that some vegetation would be removed on SW Brockman Street, adding that the greatest impact to *Verizon* would be their driveway. He

pointed out that this driveway is already extremely steep and does not allow for many options.

Chairman Straus requested clarification that landscaping removed from private property would be replaced.

Mr. DeHaas noted that there would be no significant impact on the daycare landscaping, adding that this area is already impervious and the proposal would be basically changing the grade.

Mr. Howie pointed out that this is an opportunity to be included in the right-of-way negotiations.

Chairman Straus expressed his opinion that landscaping should be replaced in the same manner with which paving is replaced.

Mr. Howie noted that the applicant could compensate the property owner for any deciduous tree that is removed, adding that it is also feasible to replace certain landscaping.

At the request of Chairman Straus, Mr. Ryerson clarified that the Board has the option of providing a Condition of Approval to assure that the property owner's landscaping is replaced appropriately, adding that it would obviously not be identical. He pointed out that this could also be addressed through the right-of-way negotiations.

Observing that the right-of-way negotiations have the potential to either supercede a Condition of Approval or be the means by which the condition is met, Chairman Straus expressed concern that this would not occur if not addressed at this time.

Mr. DeHaas pointed out that a Temporary Construction Easement would be required outside the right-of-way, adding that this provides that the property be returned to its original condition.

Mr. Howie stated that he has no problem with this issue, adding that this would be applicable to any property along that area where such an easement became necessary.

Referring to the driveway off of SW 125<sup>th</sup> Avenue, Mr. Beighley pointed out that this driveway is still shown on the Existing Conditions Map.

Observing that this is a miscommunication, Mr. Howie explained that the original as-built plan from the 1980's indicates that this driveway is in that location, although *Verizon* added a new driveway at a later time, adding that there are now two driveways, one for *Verizon* and one for the neighbor. He noted that staff would have no problem with an occasional use of that driveway approach, adding

that with the property owner preparing the property for sale, staff prefers to limit access in the event that a new owner might be constantly using that access. He emphasized that Ms. Allred has no access at this time.

Chairman Straus pointed out that deliberations should be public, with opinions, conclusions and ideas with regard to Conditions of Approval addressed individually.

Observing that her issues with regard to drainage appear to have been addressed, Ms. Shipley pointed out that she still has concerns with sound issues and potential impact to the Brinkley property.

Emphasizing that a great deal of the potential impact with regard to safety issues had not been adequately addressed, Ms. Antonio stated that she does not feel comfortable approving this application.

Mr. Nardoza observed that he utilizes this intersection on a regular basis, adding that because this project would make a lot more sense, it is unfortunate that the SW 125<sup>th</sup> Extension Project could not occur simultaneously or consecutively. Reiterating that this is a very dangerous intersection, he emphasized that while there are both negative and positive impacts, he is reasonably comfortable with the application and would support a motion for approval.

Mr. Beighley pointed out that he has previously expressed his concerns with regard to this application, adding that any motion for approval would obviously include additional Conditions of Approval that could provide a solution that is not perfect, but doable.

Observing that he is aware that he had been hard on them with regard to this application, Chairman Straus congratulated staff for their ability to sustain the onslaught. He pointed out that staff had provided some good arguments in response to concerns, adding that he is still not 100% convinced that a better method to achieve the same goal is not possible. He expressed his opinion that the applicant should have presented some of their information at an earlier time, adding that this might have resulted in the diffusion of some of the confusion that resulted. He noted that the addition of denser trees along the SW Greenway frontage behind the homes will help mitigate concerns expressed with regard to headlights and the view into individual properties, adding that when these trees have grown larger, they might even help buffer a car traveling in the wrong direction. He questioned whether the SW 125<sup>th</sup> Extension has already been submitted for design review.

Mr. Howie informed Chairman Straus that the application has not been submitted yet because funding is not available for the SW 125<sup>th</sup> Extension at this time.

Chairman Straus suggested that when funding becomes available and an application for design review of the SW 125<sup>th</sup> Extension is submitted, it is feasible that additional Conditions of Approval would be imposed upon that project to address issues that had not been resolved adequately on this intersection improvement project. Noting that he not been in support of this project originally, he stated that mitigation that has occurred has since convinced him that while there are still some issues, the project would provide an improvement over the existing situation for the majority of the population and that any negative impact would be successfully addressed.

Mr. Nardoza expressed his opinion that the Brinkleys have been extremely generous in their willingness to negotiate with regard to this issue.

Mr. Beighley **MOVED** and Ms. Shipley **SECONDED** a motion for the approval of BDR 2001-0204 – Intersection Improvements for SW 125<sup>th</sup> Avenue at Brockman Street/Greenway Drive Type 3 Design Review, based upon the testimony, reports and exhibits presented during the public hearings on the matter and upon the background facts, findings and conclusions found in the Staff Report dated February 21, 2002, including Conditions of Approval Nos. 1 through 15, and additional Conditions of Approval, as follows:

16. Repair/replace existing landscaping in existing island, including a replacement for the existing 8-inch tree being removed. The tree placement is to work with new street trees, with respect to the day care center.
17. Drawing No. 1, dated 02/26/02, Grading Revision 125<sup>th</sup>/Brockman/Greenway is entered into the record, including the French drain that runs in a north/south direction.
18. Drawing No. C-508, dated 01/31/02, Brinkley Property is entered into the record, showing the stair-stepped Keystone retaining walls and proposed fencing, with the City to process a Variance to accommodate a driveway and overhead door access on the east side of the existing residence to the shop area.
19. Provide a minimum of 16 conifers (a mix of Hogan Cedars and Shore Pines) along Tax Lots 5600, 5700 and 5800, along Greenway. Conifers to be balled and burlapped, nine to ten feet in height at the time of planting.

Mr. Beighley questioned whether the motion should indicate that any fees with regard to the Variance referenced in Condition of Approval No. 18 would be the responsibility of the City of Beaverton.

Emphasizing that waiving this fee is not under the purview of the Board of Design Review, Mr. Osterberg advised Mr. Beighley that only the City Council has the



authority to waive an application. On question, he indicated that he would be willing to discuss this issue with Mayor Drake.

Expressing his opinion that this does not require a waiver of the required fees, Chairman Straus pointed out that the Variance is being included with the requirements for this project, adding that the project should cover this cost.

Mr. Osterberg requested clarification of whether the City of Beaverton shall be the applicant for the Variance request.

Chairman Straus clarified that the City of Beaverton should apply for the Variance on behalf of the Brinkleys, as part of this project, adding that this is an accommodation to address the issue with regard to the garage access.

Mr. Osterberg assured Chairman Straus that there would be no fee in an application in which the City of Beaverton is the applicant.

Ms. Antonio questioned whether the Variance issue could be resolved this evening prior to approving the Design Review application.

Chairman Straus advised Ms. Antonio that the Variance application would be determined at an appropriate time, emphasizing that this specific application would be reviewed by the Board of Design Review, rather than the Planning Commission.

Mr. Osterberg reminded Chairman Straus that the Variance application would require the approval of property owner, whose signature is required on the application form.

Chairman Straus informed Mr. Osterberg that he is familiar with this requirement.

On question, Chairman Straus advised Ms. Shipley that it is not feasible to condition this project to accommodate a future project, adding that it is necessary for members of the Board to retain a sense of history and remember what was intended at this time.

Mr. Osterberg clarified that the Board of Design Review does not intend that approval of this future Variance is necessary for this particular application to progress.

Agreeing with Mr. Osterberg, Chairman Straus expressed his opinion that it is feasible to anticipate that this Variance application would be submitted fairly soon, and questioned whether this particular application could be addressed administratively.

Observing that this application would involve greater than a 10% variance of a requirement, Mr. Osterberg advised Chairman Straus that this would need to be addressed through the Public Hearing process, rather than administratively.

The question was called and the motion **CARRIED**, by a roll call vote, as follows:

<b>AYES:</b>	Beighley	<b>NAYS:</b>	Antonio
	Nardozza		Shipley
	Straus		

#### **APPROVAL OF MINUTES:**

The minutes of January 24, 2002, as written, were submitted. Chairman Straus asked if there were any changes or corrections. Mr. Beighley **MOVED** and Ms. Antonio **SECONDED** a motion that the minutes be adopted as written and submitted.

The question was called and the motion **CARRIED** unanimously.

#### **MISCELLANEOUS BUSINESS:**

The meeting adjourned at 11:08 p.m.